

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

June 28, 2005

Meeting was commenced at 7:04 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Chris McCandless, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Long-range Planner James Sorensen; Police Chief Stephen Chapman; Fire Chief Don Chase; Assistant CAO Jamie Davidson; Assistant Director Community Development Nick Duerksen; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

ABSENT/EXCUSED:

Linda Martinez-Saville (ill), Steve Fairbanks (Vacation)

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Cub Scout William Richins of Den #3716, and the Pledge was led by Justice Schoenfeld, also of Den #3716

2. CITIZEN(S) COMMENTS:

- a) **Evan Johnson**, a stock holder in the Sandy Irrigation Company (SIC), once again brought his "personal" claim to the Sandy City Council that SIC is, in his opinion, not being paid adequately for its water lease rates by Metro Water District of Salt Lake & Sandy (MWDSL). It was his contention that SIC should be paid the same per acre foot as is paid for Central Utah Project (CUP) water which is currently set at \$301.73 per acre foot.

Mr. Johnson provided a handout booklet to each member of the City Council. This booklet is on file in the City Council Office. All of Mr. Johnson's claims were disputed in his own booklet by SIC's own Water Board President Mike Wilson in a letter addressed to the Shareholders of the Sandy Irrigation Company dated December 20, 2004. In this letter Mr. Wilson stated that Mr. Johnson's claims are his own and not those of the Board. The Board adopted a "Change Application Policy" which requires shareholders to pay for their own litigation costs. In the past, Mr. Johnson has been attempting to pass these costs on to the other shareholders of SIC. Secondly, Mr. Wilson, disputes Mr. Johnson's claims against both himself and Mr. Mabey. He said, *"Any conflicts of interest, whether perceived or real, have been disclosed to the Board. The Board is confident that the interests of the Company are being handled competently and with complete professionalism."*

3. SPECIAL PRESENTATION: Bruce Steadman (Not held, Mr. Steadman had another commitment.)

PUBLIC HEARING(S):

4. Rosebud Estates Rezoning

Public Hearing to consider the request of Cody Roberts, representing Desert Point Redevelopment, who is requesting to rezone approximately 1.14 acres from the R-1-20A "Residential District" to the R-1-15 "Residential District". The property is located at approximately 11360 South 1700 East. The proposed rezoning would help facilitate the development of a 3-lot subdivision. The applicant has also submitted a subdivision plat for preliminary review with the Planning Commission.

DISCUSSION: **James Sorensen** reported that Cody Roberts, representing Desert Point Redevelopment, has filed a request with the City to rezone approximately 1.14 acres from the R-1-20A Zone to the R-1-15 Zone. The parcel is located at approximately 11360 South 1700 East. If the rezoning is granted, it is the applicant's desire to create a 3-lot subdivision on the property. The subject properties are owned by two different families, and both have given their consent to have the land rezoned.

The applicant has submitted a subdivision plat (called Rosebud Estates) for preliminary review with the Planning Commission. The Planning Commission has made a recommendation that the Council approve the proposed rezoning by a vote of 7-0. Two older single-family homes are located on the property, and they will be removed as part of the proposed project.

Planning Staff recommend approval of the R-1-15 "residential District" rezoning based upon the following findings:

- 1) *The rezoning is in compliance with the Sandy City General Plan and Land Development Code.*
- 2) *Development at the subject location can be compatible with the surrounding area.*
- 3) *The proposed development will enhance the character of the neighborhood and is consistent with surrounding properties.*
- 4) *The proposed rezoning will facilitate the removal of a non-conforming dwelling and replace it with a dwelling that will conform to the R-1-15 standards.*

The public hearing was opened and closed, as there were no comments.

Council Discussion:

Chris McCandless asked Mr. Roberts if the entrance to his proposed subdivision would be from 114th South or from 17th East. He stated that he would prefer that the access be off of 17th East, because of traffic issues on 114th South.

Cody Roberts stated that the buildings' footprint has not yet been set. He stated that he did not see an issue with placing the entrance on 17th East.

MOTION: **Chris McCandless made the motion that documents be brought back, on July 12th, to rezone approximately 1.14 acres, located at approximately 11360 South 1700 East, to the R-1--15 "Residential District".**

SECOND: **Dennis Tenney**

VOTE: **McCandless- Yes, Tenney- Yes, Fairbanks- Absent, Winder- Yes, Saville- Absent, Anderson- Yes, Cowdell- Yes**

MOTION PASSED
5 in favor, 2 absent

5. **Street Vacation/Closure - A Portion of 120 East 8616 South**
Public Hearing to consider the following: Kevin Olson has filed a request with the City Council to vacate or close approximately 16 feet of the westerly portion of 120 East as it lies adjacent to 8616 South. Mr. Olson is developing a 4-lot residential subdivision and the additional roadway will enhance the safety of the existing street.

DISCUSSION: Assistant Director of Community Development **Nick Duerksen** reported that Kevin Olson has filed a request with the City to either vacate or close approximately 16 feet of the westerly portion of 120 East as it lies adjacent to 8616 South. Mr. Olson believes that this action will provide additional roadway to better enhance the safety of the existing street to accommodate a 4-lot residential subdivision which he is currently developing.

The Planning Commission has forwarded a positive recommendation to the City Council to vacate/close this property. Planning Staff support this recommendation because of the following:

- 1) *Additional right-of-way is not needed for regular vehicular traffic, and does not appear on the official Sandy City Street Map.*
- 2) *The abandoned portion can be incorporated into the adjacent development to be used as square footage for the proposed lots, thus increasing the housing stock in Historic Sandy and enhancing aesthetics of the immediate area.*

The developer, Kevin Olson, was present at the meeting. He stated that Mr. Duerksen had represented the issue accurately. He felt the land extension, if approved, would add to the efforts they have made to cleanup this property. Mr. Olson stated that he has discussed this proposal with the City's Traffic Engineer.

The public hearing was opened.

- a. **Joseph Baker**, Neighborhood Coordinator, stated that the neighborhood has met with Mr. Olson, and they supported the proposal, as it will greatly clean-up this unsightly piece of property. He urged the Council to approve Mr. Olson's request.

The public hearing was closed.

Council Discussion:

Scott Cowdell asked Mr. Olson if the homes would be designed to look historic.

Mr. Olson responded, "Yes."

Scott Cowdell concluded that this development is a good investment for Sandy City.

The Council agreed that the road should be closed and sold to the developer.

MOTION: **Dennis Tenney** made the motion that a portion of 120 East at approximately 8616 South be "Closed," as recommended by the Planning Commission and Staff.

SECOND: **John Winder**

VOTE: **Tenney- Yes, Winder- Yes, Fairbanks- Absent, Saville- Absent, McCandless- Yes, Anderson- Yes, Cowdell- Yes**

MOTION PASSED
5 in favor, 2 Absent

COUNCIL ITEMS:

6. **Nearon Project [formerly known as the Garbett Rezone]**
Discussion regarding an Ordinance for the Nearon Project (formerly known as the Garbett Rezone.)

DISCUSSION: **Planner James Sorensen** related that the former Garbett property, which was rezoned by the Council (ref. Ordinance #04-21 and its three attached conditions) that was approved on June 8, 2004, has been picked up by another developer. Henceforth it shall be called the Nearon project.

The three conditions that accompanied the approval of Ordinance #04-21 are as follows:

- a). An architectural review committee is to be established which includes Bell Canyon residents.
- b). The developer is to provide periodic reports to both the City Council and the Planning Commission regarding size and quality of housing units and providing a minimum of one, two, and three bedroom units shown on the plan presented to the City Council; and
- c). A horse trail acceptable to the Planning Commission is to be established to the north or south of 106th South. A crossing shall also be established on 106th South and be placed in the safest place possible to provide access to Dimple Dell Park. To include 14.9 acres of property (instead of 14.75) and that the density for this development shall not exceed 12.5 residential dwelling units per acre, equating to a maximum of 186 units on 14.9 acres. Also, as recommended by Staff, that the publication of the ordinance be put on hold until the proposed project completes all site plan reviews with the Planning Commission, in the event the proposed project does not come to fruition, thus eliminating the possibility of the property owner being relegated to the mixed use zone on the property.

Mr. Sorensen explained that the Council agreed to put off publication of the ordinance, until the proposed project completed its review process with the Planning Commission. Since the Garbett proposal was dropped, a developer from California, Nearon, has taken over the project and has indicated acceptance of the terms imposed by the Council. He too would like the Ordinance not to be published until the site plan review process is completed by the Planning Commission.

Nearon would like to upgrade the first proposal by building more high-end units with more three bedroom units than was originally proposed by Garbett. Another plus to the Nearon proposal is that they would like to construct the project all in one phase.

John Winder asked if the project included a horse trail.

Mr. Sorensen responded, "Yes."

Dennis Tenney asked if we could publish the ordinance now.

Walter Miller explained that the ordinance won't be published until the final review of the project is approved. He estimated that it would probably be another six weeks or so.

7. **Interlocal Agreement: Sandy City/UDOT- Project at 11400 South State Street**
Resolution #05-59 C - authorizing the execution of an Interlocal Cooperation Agreement between Sandy City and the Utah Department of Transportation for preconstruction and construction reimbursement for the project at 11400 South State Street.

MOTION: Dennis Tenney made the motion to adopt Resolution #05-59 C - authorizing the execution of an Interlocal Cooperation Agreement between Sandy City and the Utah Department of Transportation for preconstruction and construction reimbursement for the project at 11400 South State Street.

SECOND: John Winder

VOTE: Tenney- Yes, Winder- Yes, Fairbanks- Absent,
Saville- Absent, McCandless- Yes, Anderson- Yes, Cowdell- Yes

MOTION PASSED
5 in favor, 2 absent

8. **Appointing a Council Chairman and Vice Chairman**
Resolution #05- 60 C - appointing a Council Chairman and Vice Chairman to serve a term beginning July 1, 2005 and ending December 31, 2005.

MOTION: Dennis Tenney made the motion to appoint John Winder as Council Chairman and Steve Fairbanks as Council Vice Chairman.

SECOND: Bryant Anderson

VOTE: Tenney- Yes, Anderson- Yes, Fairbanks- Absent, Winder- Yes,
Saville- Absent, McCandless- Yes, Cowdell- Yes

MOTION PASSED
5 in favor, 2 absent

At approximately 7:37 p.m. City Council Meeting was recessed to convene into **Redevelopment Agency Meeting** by a motion made by **Chris McCandless** and seconded by **Dennis Tenney**. See separate minutes.

At approximately 7:38 p.m. Redevelopment Agency Meeting was adjourned to convene into **Municipal Building Authority Meeting** by a motion made by **Dennis Tenney** and seconded by **Bryant Anderson**. See separate minutes.

At approximately 7:40 p.m. City Council Meeting was reconvened.

**** **CITY COUNCIL MEETING** ****

9. Council Appointments to Various Citizen Committees

Resolution #05- 61 C- appointing City Council Members to various Citizen Committees.

DISCUSSION: In a brief discussion, the Council agreed to leave committee assignments as presently constituted.

MOTION: Dennis Tenney made the motion to appoint Council Members to serve on various Citizen Committees as follows:

1. The Orchestra & Chorus of Sandy City Bryant F. Anderson
2. Arts GuildBryant F. Anderson
3. Auto Mall Review CommitteeDennis B. Tenney
4. Beautification CommitteeLinda M. Saville
5. Board of AdjustmentLinda M. Saville
6. CDBG CommitteeScott L. Cowdell
7. Chamber of Commerce BoardChris McCandless/ Steve Fairbanks
8. Civic Center Architectural Review CommitteeSteve Fairbanks/John Winder
- ix. Community Response Team Advisory Committee.....Scott Cowdell
- x. Dimple Dell Advisory Board
*County Appointment/Mayor Dolan to speak with County Mayor
- xi. Healthy Sandy Steering Committee.....Linda M. Saville/Steve Fairbanks/John Winder
12. Historic Committee.....Scott L. Cowdell
13. Planning Commission LiaisonSteve Fairbanks
14. Public Safety CommitteeJohn B. Winder
15. Public Safety Review BoardChris McCandless
16. Public Utilities Advisory BoardChris McCandless/Steve Fairbanks
17. Recreation Trails CommitteeJohn B. Winder
18. Sandy City Employees' AssociationScott L. Cowdell
19. Sandy Pride CommitteeBryant F. Anderson/John B. Winder
20. Sandy Club "A Safe Place for Boys & Girls"Scott L. Cowdell
21. Senior Center Advisory Council.....Scott L. Cowdell
22. Transportation CommitteeChris McCandless/John B. Winder
23. ULCT Legislative Policy Committee .Bryant F. Anderson/Dennis B. Tenney/Chris McCandless/ John Winder
24. (*Annual Appointment made by the League*)(3rd Monday during Session every Mon.)
24. Association of City CouncilsDennis B. Tenney

25. COG RepresentativeBryant F. Anderson
(*One Year appointment - January to January)

SECOND: Chris McCandless
VOTE: Tenney- Yes, McCandless- Yes, Fairbanks- Absent, Winder- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes

MOTION PASSED
5 in favor, 2 absent

MINUTES:

10. Approving the May 24, 2005 and the May 31, 2005 City Council Meeting Minutes.

MOTION: Bryant Anderson made the motion to adopt the May 24, 2005 Minutes as amended and the May 31, 2005 City Council Meeting Minutes as presented.

SECOND: Dennis Tenney
VOTE: The Council voted verbally and unanimously in the affirmative.
All in favor

11. **MAYOR'S REPORT:**

- a) Randy Sant, Economic Development Director, provided an Economic Project Update. (See Exhibit "A")

12. **CAO'S REPORT:**

- a. None

13. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. Phil Glenn handed out the 4th of July Parade information to the Council. He also advised the Council that the Water Department Tour would need to be rescheduled. It may be held on July 19th.

14. **OTHER COUNCIL BUSINESS:**

- a. Dennis Tenney reported that as a member of the Community & Economic Development (CED) Policy and Advisory Steering Committee for the National League of Cities he attended a meeting held in Denver, Colorado. He stated that CDBG funds have only been cut minimally this year. CDBG funds should continue to be managed under HUD, and not as was proposed under the Department of Commerce.
- b. Bryant Anderson thanked Scott Cowdell for his excellent service as the Council Chairman. He stated that he would like a study done to determine what percentage of Sandy residents' shopping is actually done in Sandy. He felt that the many commercial centers on Sandy's borders were drawing Sandy residents. He also wanted a study done (outside the State of Utah) to obtain information on how other similarly sized cities support themselves.
- c. Mayor Dolan noted that he and others are currently serving on a committee which is studying municipal tax revenue. When their study is completed, it will be presented to the State Legislature.
- d. Phil Glenn stated that as Linda Martinez Saville was unable to attend this evening's meeting, she had asked him to convey to Scott Cowdell her appreciation for the great job he had done as the Council's Chairman.

At approximately 8:15 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Scott Cowdell.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Scott L. Cowdell
Council Chairman

Naleen Wright
Council Office Manager

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